

ORDINANCE NO. 1826-13
AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO
CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, as follows:

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwellings within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each unit contained within a dwelling.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.
- c. Upon the filing of a completed registration form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit shall be inspected at least once during the 12 months license period. The Borough of Middlesex Construction Office will contact the owner of the rental unit to arrange for an inspection during the license year. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.
- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall be inspected at least once in every 12 month period, and upon each change in tenancy, for purposes of the issuance of a certificate of occupancy. Such inspection shall be for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- a. Fees:
 - (i) An bi-annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:
 1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
 2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.
 - (iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 18 of this Ordinance.
- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.

- c. Any person who violates any of the provisions of this ordinance, unless another penalty is provided, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION THREE. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST

Kathleen Anello, Municipal Clerk

Ronald S. Dobies, Mayor

INTRODUCED: March 26, 2013

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION: